

Docket No.: 0020-5462PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yuzo KAKIYA et al.

Application No.: 10/565,105

Confirmation No.: 5540

Filed: January 19, 2006

Art Unit: N/A

For: PROCESS FOR PRODUCING IMIDE
COMPOUND

Examiner: Not Yet Assigned

REQUEST FOR INVESTIGATION OF EFS SYSTEM FAILURE

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants request investigation of the integrity of the EFS-Web electronic filing system.

Specifically, in the course of review of an application following a Notice of Allowance, it came to the attention of the undersigned that the Examiner had not considered an Information Disclosure Statement filed October 31, 2007 in the application number 10/565,105. In a telephone discussion with the Examiner on October 8, 2008, the Examiner indicated that he did not have any IDS filed October 31, 2007 before him, and indeed review of the contents of the IFW show an item for May 22, 2006 and then one for January 20, 2008. **No item dated October 31, 2007 is listed.** (See the copy of the file contents attached.)

The Electronic Acknowledgement Receipt received by Applicants' Representative after filing of the IDS is attached, and shows that the IDS and its attendant documents were received by the USPTO for the proper file number at 17:09:28 on October 31, 2007.

This event raises grave concerns about the integrity of the USPTO E-filing system. The Electronic Business Center was informed of this problem by an e-mail sent October 8, 2008 (copy attached), but no reply has been received. The cooperation of the Examiner in contacting the appropriate personnel for investigation of this matter is requested.

The undersigned can be contacted by telephone at 858-756-5959 to discuss this matter and its resolution.

Dated: NOV 5 2008

Respectfully submitted,

By 

Mark J. Nuell, Ph.D.

Registration No.: 36,623

BIRCH, STEWART, KOLASCH & BIRCH, LLP

12770 High Bluff Drive, Suite 260

San Diego, CA 92130

(858) 792-8855

Attorney for Applicant

Attachment(s):



Documents

Nuell, Mark J.

From: Nuell, Mark J.
Sent: Wednesday, October 08, 2008 3:58 PM
To: 'ebc@uspto.gov'
Subject: Image File Wrapper integrity problem
Importance: High
Attachments: 20081008165505007.pdf

To Whom It May Concern:

I am writing to express concern about the integrity of the Image File Wrapper system. In the course of review of an application following a Notice of Allowance, it came to the attention of the undersigned that the Examiner had not considered an Information Disclosure Statement filed October 31, 2007 in the application number 10/565,105. In a telephone discussion with the Examiner on October 8, 2008, the Examiner indicated that he did not have any IDS filed October 31, 2007 before him, and indeed review of the contents of the IFW show an item for May 22, 2006 and then one for January 20, 2008. **No item dated October 31, 2007 is listed.** (See the copy of the file contents attached.)

The Electronic Acknowledgement Receipt received by Applicants' Representative after filing of the IDS is attached, and shows that the IDS and its attendant documents were received by the USPTO for the proper file number at 17:09:28 on October 31, 2007.

This event raises grave concerns about the integrity of the USPTO E-filing system. Your urgent attention to this matter is requested. Please provide your reply via e-mail to drn@bskb.com, with Cc to mailroom@bskb.com.

I can be contacted by telephone at 703-597-3888 to discuss this matter and its resolution.

Respectfully,

Mark J. Nuell
Reg. No. 36,623
BIRCH, STEWART, KOLASCH & BIRCH, LLP

10/8/2008

Electronic Acknowledgement Receipt

EFS ID:	2400364
Application Number:	10565105
International Application Number:	
Confirmation Number:	5540
Title of Invention:	Process for producing imide compound
First Named Inventor/Applicant Name:	Yuzo Kakiya
Customer Number:	2292
Filer:	Mark Jay Nuell/Kathleen Cassin
Filer Authorized By:	Mark Jay Nuell
Attorney Docket Number:	0020-5462PUS1
Receipt Date:	31-OCT-2007
Filing Date:	19-JAN-2006
Time Stamp:	17:09:28
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Filed	20071031IDS.pdf	507046	no	6
			afa585f0732b897623bbfb4cd2268bc9b7cfeb0		

Warnings:

Information:					
This is not an USPTO supplied IDS fillable form					
2	Foreign Reference	20071030CN1020611.pdf	83312 4ab7c1a3945662a58fe1a1a18ad9484c 745d0217	no	1
Warnings:					
Information:					
3	NPL Documents	20071030CNOfficeAction.pdf	530425 e2cd88bf2542234a20fc5de5b1c928d4 7c19d6a	no	4
Warnings:					
Information:					
Total Files Size (in bytes):			1120783		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					



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10/565,105 PROCESS FOR PRODUCING IMIDE COMPOUND

Select New Case	Application Data	Transaction History	Image File Wrapper	Patent Term Adjustments	Continuity Data	Foreign Priority	Published Documents	Address & Attorney/Agent	Assignments	Display References	Publication Review
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This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click PDF.

Available Documents

Mail Room Date	Document Code	Document Description	Document Category	Page Count	
08-27-2008	OA.EMAIL	Email Notification	PROSECUTION	1	<input type="checkbox"/>
08-27-2008	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	1	<input type="checkbox"/>
08-27-2008	N417	EFS Acknowledgment Receipt	PROSECUTION	2	<input type="checkbox"/>
08-27-2008	LET	Miscellaneous Incoming Letter	PROSECUTION	2	<input type="checkbox"/>
08-27-2008	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	1	<input type="checkbox"/>
08-25-2008	M327	Miscellaneous Communication to Applicant - No Action Count	PROSECUTION	1	<input type="checkbox"/>
08-11-2008	NOA	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	6	<input type="checkbox"/>
08-11-2008	FWCLM	Index of Claims	PROSECUTION	1	<input type="checkbox"/>
08-11-2008	IIFW	Issue Information including classification, examiner, name, claim, renumbering, etc.	PROSECUTION	1	<input type="checkbox"/>
08-11-2008	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1	<input type="checkbox"/>
08-11-2008	SRNT	Examiner's search strategy and results	PROSECUTION	1	<input type="checkbox"/>
08-11-2008	NPL	NPL Documents	PROSECUTION	1	<input type="checkbox"/>
08-11-2008	OA.EMAIL	Email Notification	PROSECUTION	1	<input type="checkbox"/>
06-04-2008	TRTC	Transmittal to TC	PROSECUTION	1	<input type="checkbox"/>
06-04-2008	AF/D	Rule 130, 131 or 132 Affidavits	PROSECUTION	8	<input type="checkbox"/>
06-04-2008	N417	EFS Acknowledgment Receipt	PROSECUTION	2	<input type="checkbox"/>
04-30-2008	A...	Amendment/Req. Reconsideration After Non-Final Reject	PROSECUTION	1	<input type="checkbox"/>
04-30-2008	CLM	Claims	PROSECUTION	1	<input type="checkbox"/>
04-30-2008	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	4	<input type="checkbox"/>
04-30-2008	AF/D	Rule 130, 131 or 132 Affidavits	PROSECUTION	8	<input type="checkbox"/>
04-30-2008	N417	EFS Acknowledgment Receipt	PROSECUTION	2	<input type="checkbox"/>
04-30-2008	TRTC	Transmittal to TC	PROSECUTION	1	<input type="checkbox"/>
04-30-2008	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1	<input type="checkbox"/>
01-30-2008	CTNF	Non-Final Rejection	PROSECUTION	5	<input type="checkbox"/>
01-30-2008	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1	<input type="checkbox"/>
01-30-2008	FWCLM	Index of Claims	PROSECUTION	1	<input type="checkbox"/>
01-30-2008	BIB	Bibliographic Data Sheet	PROSECUTION	1	<input type="checkbox"/>
01-30-2008	SRNT	Examiner's search strategy and results	PROSECUTION	15	<input type="checkbox"/>
01-30-2008	1449	List of References cited by applicant and considered by examiner	PRIOR ART	6	<input type="checkbox"/>
01-30-2008	SRNT	Examiner's search strategy and results	PROSECUTION	1	<input type="checkbox"/>
01-30-2008	1449	List of References cited by applicant and considered by examiner	PRIOR ART	3	<input type="checkbox"/>
01-30-2008	OA.EMAIL	Email Notification	PROSECUTION	1	<input type="checkbox"/>
05-22-2006	M903	Notice of DO/EQ Acceptance Mailed	PROSECUTION	2	<input type="checkbox"/>
04-19-2006	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	6	<input type="checkbox"/>
04-19-2006	FOR	Foreign Reference	PRIOR ART	26	<input type="checkbox"/>
04-19-2006	FOR	Foreign Reference	PRIOR ART	21	<input type="checkbox"/>
01-19-2006	TRNA	Transmittal of New Application	PROSECUTION	3	<input type="checkbox"/>
01-19-2006	136A	Authorization for Extension of Time all replies	PROSECUTION	3	<input type="checkbox"/>
01-19-2006	SPEC	Specification	PROSECUTION	13	<input type="checkbox"/>
01-19-2006	CLM	Claims	PROSECUTION	1	<input type="checkbox"/>
01-19-2006	ABST	Abstract	PROSECUTION	1	<input type="checkbox"/>
01-19-2006	OATH	Oath or Declaration filed	PROSECUTION	2	<input type="checkbox"/>
01-19-2006	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1	<input type="checkbox"/>
01-19-2006	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	3	<input type="checkbox"/>
01-19-2006	NPL	NPL Documents	PRIOR ART	2	<input type="checkbox"/>
01-19-2006	371P	Documents submitted with 371 Applications	PROSECUTION	3	<input type="checkbox"/>
01-19-2006	371P	Documents submitted with 371 Applications	PROSECUTION	1	<input type="checkbox"/>
01-19-2006	371P	Documents submitted with 371 Applications	PROSECUTION	1	<input type="checkbox"/>
01-19-2006	371P	Documents submitted with 371 Applications	PROSECUTION	16	<input type="checkbox"/>
01-19-2006	ABST	Abstract	PROSECUTION	2	<input type="checkbox"/>
01-19-2006	FRPR	Certified Copy of Foreign Priority Application	PROSECUTION	16	<input type="checkbox"/>

01-19-2006	IMIS	Miscellaneous Internal Document	PROSECUTION	1	<input type="checkbox"/>
01-19-2006	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1	<input type="checkbox"/>
01-19-2006	WCLM	Claims Worksheet (PTO-2022)	PROSECUTION	1	<input type="checkbox"/>
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